

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

EARL'S PAWN & JEWELRY, INC.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	04-0649-BH-L
JOHN ASHCROFT, et al.,)	
)	
Defendants.)	

ORDER

This action is before the Court on defendants' motion (Doc. 12) to strike plaintiff's jury demand. The propriety of plaintiff's jury demand was previously brought into question and plaintiff was ordered to file a brief by April 15, 2005, in support of its position that it is entitled to a jury trial. *See*, Rule 16(b) Scheduling Order (Doc. 11). Plaintiff has failed to comply with the Court's order and has thereby conceded that no jury trial is authorized for an action brought pursuant to 18 U.S.C. § 923(f)(3) for judicial review of an administrative decision by the Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") to revoke plaintiff's license. It is therefore **ORDERED** that defendants' motion to strike plaintiff's jury demand be and is hereby **GRANTED**. The Rule 16(b) Scheduling Order (Doc. 11) entered on April 5, 2005, be and is hereby **AMENDED** accordingly.

DONE this 25th day of April, 2005.

s/ W. B. Hand
SENIOR DISTRICT JUDGE